

FILED  
IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

2004 JAN 28 P 3:21

EILEEN HELLER, Trustee

Plaintiff

v.

EILEEN HELLER, BARRY ROGOFF,  
INEZ DOLIN, JULIE ROSENFELD, ELIZABETH  
HELLER, PAUL HELLER, JOHN HELLER, ROBERT  
M. HELLER and COMMISSIONER OF  
INTERNAL REVENUE SERVICE

Defendants

DISTRICT COURT  
DISTRICT OF MASS  
CIVIL NO. 03 12250RGS

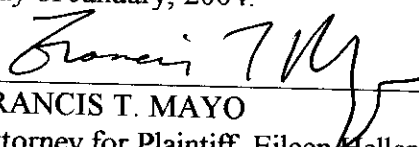
)  
)  
) Formerly  
) Civil No. 03E-0060GC1  
) Essex County Probate &  
) Family Court Department  
)

CERTIFICATION OF CONSULTATION

Pursuant to Rule 7.1, I certify that I have consulted on the attached motion with Lydia D. Bottome, Esquire, Attorney for the U. S. Department of Justice, who was the party who moved for the dismissal of this action.

Ms. Bottome authorized me to indicate the assent of the United States to the motion to vacate the Order of Dismissal and to the request to dismiss the Commission of Internal Revenue Service as a party thereto. Ms. Bottome further indicated that assuming the Commission of Internal Revenue Service was, in fact, dismissed from the case, it would be inappropriate for the government to assent to the requested remand, but that they did not intend to oppose such request.

Signed under the penalties of perjury this 23<sup>rd</sup> day of January, 2004.

  
FRANCIS T. MAYO  
Attorney for Plaintiff, Eileen Heller  
2 Salem Green  
Salem, MA 01970  
(978-744-1148)  
BBO #325930